

Before the
Federal Communications Commission
 Washington, D.C. 20554

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In the Matter of)

DEC - 2 2002

Amendment of Section 73.202(b))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Table of Allotments,)

MM Docket No. 00-69

FM Broadcast Stations)

RM-9850

(Cheboygan, Rogers City, Bear Lake,)

RM-9945

Bellaire, Rapid River, Manistique,)

RM-9946

Ludington, Walhalla and)

Onaway, Michigan))

To: Chief, Audio Division
Media Bureau

RESPONSE TO REQUEST FOR SUPPLEMENTAL INFORMATION

1. Fort Bend Broadcasting Company ("Fort Bend"), by its attorneys, hereby responds to the *Request for Supplemental Information* (DA 02-2722, rel. Oct. 18.2002) ("*RSI*") in the above-captioned proceeding. The *RSI* sets a date of December 2, 2002 for responses, and this response is timely filed.

2. In the *RSI*, the Commission states (para. 3) that "it is necessary to make a dispositive determination as to the maximum tower height that would receive Federal Aviation Administration approval." Fort Bend disagrees that this determination is necessary at this point. Ordinarily, in allotment proceedings the Commission presumes that a suitable transmitter site meeting applicable technical requirements will be available. *Mount Wilson FM Broadcasters v. FCC*, 884 F.2d 1462, 1463 (D.C. Cir. 1989). However, even when an issue is raised regarding the availability of a suitable transmitter site, as it has been here, all that is required is "reasonable assurance" that a suitable transmitter site will be available. *Id.* "Reasonable assurance" does not require a demonstration that a particular site has been secured or that regulatory approvals have been obtained. It merely requires something *less* than a modest probability of a final site

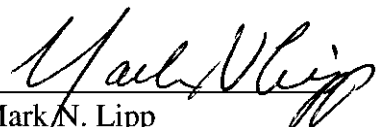
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acquisition. *Id.* For example, it can be satisfied through a demonstration that *other* sites are likely to be available. See *Moncks Corner, Kiawah Island, and Sampit, South Carolina*, 15 FCC Rcd 8973 (2000) (“reasonable assurance” satisfied through identification of a different site than originally proposed at which FAA would likely approve a tower).

3. Nevertheless, in response to the Commission’s request, Fort Bend has filed a FAA Form 7460 requesting a determination of no hazard at the transmitter site originally specified in its counterproposal and a height above ground level of 1569 feet. The FAA process could take several months. When the FAA acts upon that request, Fort Bend will supplement this filing,

Respectfully submitted,

FORT BEND BROADCASTING
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December 2, 2002

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 2nd day of December, 2002 caused to be hand-delivered or mailed by first class mail, postage prepaid, copies of the foregoing **“Response to Request for Supplemental Information”** to the following:

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